

ANSWERS TO NUMBERED ALLEGATIONS

THE PARTIES

1. The allegations contained in Paragraph 1 are admitted.

2. The allegations contained in Paragraph 2 are admitted.

3. Defendants admit International Association of Heat and Frost Insulators and Asbestos Workers, Local No. 14 (“Asbestos Workers Local 14” or “Local 14”) is an unincorporated association that is located at 6513 Busleton Avenue, Philadelphia, Pennsylvania. Defendants deny that Asbestos Workers Local 14 “is part of the Philadelphia Metal Trades Council.” Asbestos Workers Local 14 is independent and autonomous from the Council and is affiliated with the Council.

4. Defendants admit Philip Rowan is an individual. Defendants deny Philip Rowan is a Vice President of the Council at any relevant time in this case and the Defendants deny that Rowan’s business address is 1719 Spring Garden Street in Philadelphia, Pennsylvania.

5. The Defendant Council, Ault and Rowan are without information or knowledge sufficient to form a belief as to the truth of the allegations in Paragraph 5, and they are therefore denied.

6. The Defendant Council, Ault and Rowan are without information or knowledge sufficient to form a belief as to the truth of the allegations in Paragraph 5, and they are therefore denied.

7. The allegations contained in Paragraph 7 are admitted.

JURISDICTION

8. The allegations contained in Paragraph 8 are admitted.

9. The allegations contained in Paragraph 9 are admitted.

10. Defendants deny “Local 14 is a member of the MTC....” Local 14 is a labor organization that is affiliated with the Philadelphia Metal Trades Council but deny that Local 14 is a party to the collective bargaining agreement.

11. The allegations contained in Paragraph 11 are admitted, except that the Defendants deny this Court has jurisdiction under 29 U.S.C. § 185 to enter an injunction.

STATEMENT OF FACTS

12. Defendants admit that Article 17, Section 1 provides what is set forth in Paragraph 12 of the Complaint; however, Defendants deny that what is set forth in Paragraph 12 of the Complaint constitutes the entirety of the no-strike clause.

13. The allegations contained in Paragraph 13 are admitted.

14. The allegations contained in Paragraph 14 are denied.

15. The allegations contained in Paragraph 15 are denied.

16. The allegations contained in Paragraph 16 are denied.

17. The allegations contained in Paragraph 17 are denied.

17(a). The allegations contained in Paragraph 17(a) are denied.

17(b). The allegations contained in Paragraph 17(b) are denied.

17(c). The allegations contained in Paragraph 17(c) are denied.

17(d). The allegations contained in Paragraph 17(d) are denied.

18. The allegations contained in Paragraph 18 are denied.

19. Defendants Council, Ault and Rowan admit that a copy of papers relating to a bond were attached to the papers received by the Defendants.

20. Defendants Council, Ault and Rowan deny the allegations of Paragraph 20.

21. The allegations contained in Paragraph 21 are denied.

22. The allegations contained in Paragraph 22 are denied.

WHEREFORE, Defendants Council, Ault and Rowan respectfully request that all relief requested in the "WHEREFORE" section of the Complaint be denied as to Defendants Council, Ault and Rowan and that the Complaint be dismissed with prejudice, Defendants to be awarded its costs and its reasonable attorneys' fees incurred as a result of Plaintiff's claims.

AFFIRMATIVE DEFENSES

1. The Complaint fails to state a claim upon which relief can be granted.
2. The Plaintiff has failed to exhaust all of the contractual requirements before seeking to impose liability upon Defendant Council.
3. The Plaintiff is barred from seeking monetary damages from Defendants Ault and Rowan by Section 301(b) of the Labor-Management Relations Act, 29 U.S.C. § 185(b).
4. The Norris-LaGuardia Act, 29 U.S.C. §§ 101 *et seq.*, deprives the Court of jurisdiction to enter injunctive relief in this case.

Respectfully submitted,

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